

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. CR01-319-JCC
Plaintiff,)
v.)
ROBERT LEROY FREDERICK RILEY,) SUMMARY REPORT OF U.S.
Defendant.) MAGISTRATE JUDGE AS TO
) ALLEGED VIOLATIONS
) OF SUPERVISED RELEASE

An initial hearing on supervised release revocation in this case was scheduled before me on June 23, 2008. The United States was represented by AUSA Mary Dimke and the defendant by Paula S. Deutsch. The proceedings were digitally recorded.

Defendant had been sentenced on or about May 3, 2002 by the Honorable John C. Coughenour on a charge of Possession of an Unregistered Destructive Device (2 counts) and Felon in Possession of a Firearm, and sentenced to 66 months custody, 3 years supervised release. (Dkt. 32.)

The conditions of supervised release included the standard conditions plus the requirements that defendant be prohibited from possessing a firearm, participate in mandatory drug testing,

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01 participate in a substance abuse program, abstain from alcohol, submit to search, participate in a
02 mental health program, be prohibited from gambling, attend Gamblers Anonymous, provide
03 financial information to his probation officer, not be self-employed or employed by friends or
04 relative without the approval of his probation officer, obtain approval for all employment and not
05 work for cash, and not possess any identification documents in any but his true identity.

06 On November 3, 2006, the defendant admitted violating the conditions of supervised
07 release by using methamphetamine on a number of occasions. (Dkt. 51.) Defendant failed to
08 appear at his disposition hearing and a warrant was issued. (Dkt. 54.) Defendant was sentenced
09 to 8 months in custody and 24 months supervised release. He was ordered to pay restitution in the
10 amount of \$978.85 to Covington Veterinary Hospital. (Dkt. 60.)

11 On April 7, 2008, defendant's probation officer reported that defendant had violated the
12 conditions of supervised release by using methamphetamine. Defendant was reprimanded, referred
13 for professional assessment, placed in a structured testing program and an intensive outpatient
14 program, and the frequency of testing was increased. (Dkt. 64.).

15 In an application dated May 29, 2008 (Dkt. 65), U.S. Probation Officer Michael S. Larsen
16 alleged the following violation of the conditions of supervised release:

17 1. Using Methamphetamine on or about March 27, 2008, and May 18, 19 and 20,
18 2008, in violation of standard condition number 7.

19 On June 19, 2008, a Supplemental Violation report was issued (Dkt. 68), alleging the
20 following additional violations:

21 2. Failing to report for drug testing on June 2, and 12, 2008, in violation of the special
22 condition ordering him to report for drug testing as instructed by the probation officer.

3. Using Methamphetamine on or about June 15, 16 and 17, 2008, in violation of standard condition number 7.

Defendant was advised in full as to the charges and as to his constitutional rights.

Defendant admitted alleged violations 1 and 3 and waived any evidentiary hearing as to whether they occurred. (Dkt. 69.) The government moved to dismiss alleged violation 2.

I therefore recommend the Court find defendant violated his supervised release as alleged in violations 1 and 3, and that the Court conduct a hearing limited to the issue of disposition. I recommend the Court dismiss alleged violation 2. The next hearing will be set before Judge Coughenour.

Pending a final determination by the Court, defendant has been detained.

DATED this 24th day of June, 2008.

Maggie Deedlin

Mary Alice Theiler
United States Magistrate Judge

cc: District Judge: Honorable John C. Coughenour
AUSA: Mary Dimke
Defendant's attorney: Paula S. Deutsch
Probation officer: Michael S. Larsen